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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

EURIS LAWRENCE

CIVIL ACTION NUMBER: 05-636

VERSUS

JUDGE DOHERTY

CITY OF NEW IBERIA, ET AL

MAGISTRATE JUDGE METHVIN

MEMORANDUM RULING

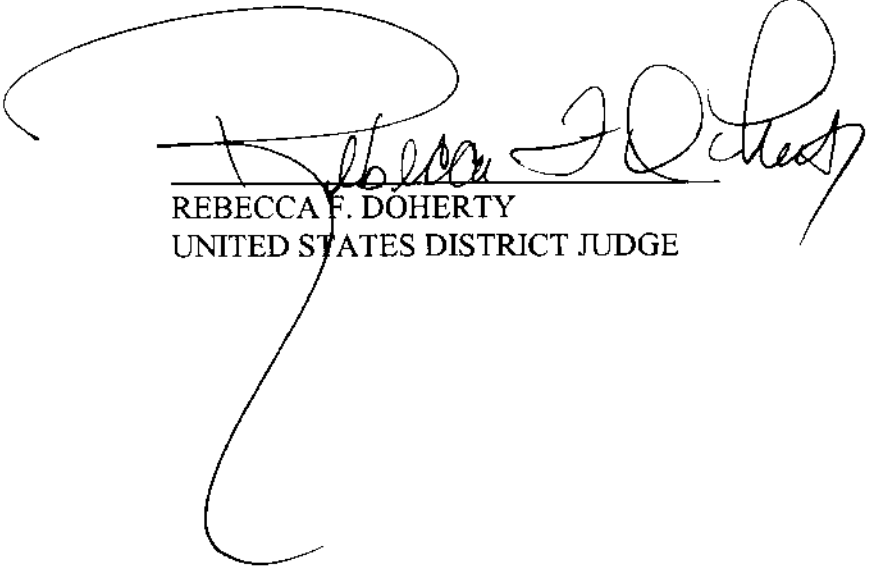
Two motions filed by defendants are currently pending before this Court. The Court is scheduled to hear oral argument on both motions on October 12, 2005. Upon closer review of the motions, the Court concludes that oral argument is unnecessary and hereby issues its ruling on the pending motions.

The first motion is a Motion to Strike Punitive Damages, in which defendants argue that punitive damages are not allowed in this matter. The plaintiff has not opposed this motion. Therefore, the Motion to Strike, appearing to be well-founded in law and fact and being unopposed by the plaintiff, will be granted. All claims for punitive damages against the defendants will be dismissed with prejudice.

The second motion pending in this matter is a Motion to Dismiss Pursuant to Rule 12(b)(6), in which defense counsel argues that the New Iberia Police Department is not a juridical person under the laws of Louisiana and thus, it lacks the procedural capacity to sue or be sued under state and/or federal law. Defendant asserts that the New Iberia Police Department is an agency or division of the City of New Iberia without the legal capacity to function independently of the city, and thus,

is not a juridical person in its own right. The plaintiff has not opposed this Motion. Therefore, the Motion to Dismiss Pursuant to Rule 12(b)(6), appearing to be well-founded in law and fact and being unopposed by the plaintiff, will be granted. All claims against the New Iberia Police Department will be dismissed with prejudice.

THUS DONE AND SIGNED this 7 day of October, 2005.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE